

No. 03-20-00569-CV

In the
Third Court of Appeals
Austin, Texas

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
1/7/2021 10:50:56 AM
JEFFREY D. KYLE
Clerk

Ashley Szymonek & Paul Szymonek,
Defendants–Appellants,

v.

Arturo Guzman & The Law Office of Art Guzman,
Plaintiffs–Appellees.

On Appeal from the 22nd District Court
of Hays County, Texas
No. 20-1430

Appellants' Brief

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TABLE OF CONTENTS

IDENTITY OF PARTIES AND COUNSEL.....	ii
TABLE OF CONTENTS	iii
TABLE OF AUTHORITIES.....	v
STATEMENT OF THE CASE	viii
JURISDICTIONAL STATEMENT	ix
STATEMENT REGARDING ORAL ARGUMENT	x
ISSUE PRESENTED	xi
INTRODUCTION.....	1
STATEMENT OF FACTS	3
SUMMARY OF ARGUMENT.....	6
STANDARD OF REVIEW.....	6
ARGUMENT	7
I. The trial court’s denial of Appellants’ TCPA motion should be reversed because several of the claims therein are based on the Szymoneks’ exercise of rights protected by the TCPA.	7
A. Appellants’ allegations are based on, related to, or in response to exercise of the right of free speech on matters of public concern.	8
B. Appellees’ allegations are based on, related to, or in response to the Szymoneks’ exercise of their right to petition.	12

C.	Appellees’ allegations are based on, related to, or in response to the Szymoneks’ exercise of its right of association.	15
II.	The trial court erred because Appellees did not meet their burden of proving by clear and specific evidence a prima facie case for each essential element of the claims.....	18
A.	Neither the First Amended Petition nor Appellees’ Response to the Motion to Dismiss establish an element-by-element prima facie case of Appellees’ claims.....	19
B.	Even if the Court were inclined to sift through Appellees’ “evidence,” it is unclear how that evidence would map to each essential element or how that evidence can be substantiated.....	22
C.	Notably absent from Appellees’ accusations is any attempt to explain the damages that Appellees have incurred and how the Szymoneks are responsible for the causation of those damages.	23
D.	Most of Appellees’ “evidence” is mean-spirited mudslinging that appears to be unrelated to any claims in the case.	27
	CONCLUSION.....	28
	CERTIFICATE OF SERVICE.....	30
	CERTIFICATE OF COMPLIANCE.....	30

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Abatecola v. 2 Savages Concrete Pumping, LLC</i> , No. 14-17-00678-CV, 2018 WL 3118601 (Tex. App.—Houston [14th Dist.] June 26, 2018, pet. filed)	18
<i>Backes v. Misko</i> , 486 S.W.3d 7 (Tex. App.—Dallas 2015, pet. denied)	17
<i>Baker v. Orange Panda, LLC</i> , No. 04-19-00846-CV, 2020 WL 6293150 (Tex. App.—San Antonio Oct. 28, 2020, no pet. h.)	10, 25
<i>Balderas v. Guzman</i> , No. 19-1278 (22nd Dist. Ct., Hays Cnty., Tex.)	4
<i>Bedford v. Spasoff</i> , 485 S.W.3d 641 (Tex. App.—Fort Worth 2016)	12
<i>Buzbee v. Clear Channel Outdoor, LLC</i> , --- S.W.3d ---, No. 14-19-00512-CV, 2020 WL 6738021 (Tex. App.—Houston [14th Dist.] Nov. 17, 2020, no pet. h.)	19
<i>Cavin v. Abbott</i> , 545 S.W.3d 47 (Tex. App.—Austin 2017, no pet.)	8, 11, 20, 28
<i>Chu v. Hong</i> , 249 S.W.3d 441 (Tex. 2008)	26
<i>Creative Oil & Gas, LLC v. Lona Hills Ranch, LLC</i> , 591 S.W.3d 127 (Tex. 2019)	10
<i>Cunningham v. Waymire</i> , No. 14-17-00883-CV, 2019 WL 5382597 (Tex. App.—Houston [14th Dist.] Oct. 22, 2019, no pet.)..	10, 20, 21
<i>Dallas Morning News, Inc. v. Hall</i> , 579 S.W.3d 370 (Tex. 2019)	26

<i>Deaver v. Desai</i> , 483 S.W.3d 668 (Tex. App.—Houston [14th Dist.] Dec. 3, 2015, no pet.)	9
<i>Elite Auto Body LLC v. Autocraft Bodywerks, Inc.</i> , 520 S.W.3d 191 (Tex. App.—Austin 2017, pet. dismiss'd).....	15, 17
<i>ExxonMobil Pipeline Co. v. Coleman</i> , 512 S.W.3d 895 (Tex. 2017) (per curiam)	9, 11
<i>Gaskamp v. WSP USA, Inc.</i> , No. 01-18-00079-CV, 2018 WL 6695810 (Tex. App.—Houston [1st Dist.] Dec. 20, 2018, no pet.)	17
<i>Harwood v. Gilroy</i> , No. 04-16-00652-CV, 2017 WL 2791321 (Tex. App.—San Antonio June 28, 2017, no pet.).....	11
<i>Hawxhurst v. Austin's Boat Tours</i> , 550 S.W.3d 220 (Tex. App.—Austin 2018, no pet.)	20
<i>Hersh v. Tatum</i> , 526 S.W.3d 462 (Tex. 2017).....	7
<i>In re Elliott</i> , 504 S.W.3d 455 (Tex. App.—Austin 2016, no pet.)	24
<i>In re Lipsky</i> , 460 S.W.3d 579 (Tex. 2015).....	24, 26
<i>James v. Calkins</i> , 446 S.W.3d 135 (Tex. App.—Houston [1st Dist.] 2014, pet. denied)	14
<i>Lara v. Streamline Ins. Servs, LLC</i> , No. 03-19-00474-CV, 2020 WL 7776080 (Tex. App.—Austin Dec. 31, 2020, no pet. h.).....	8, 16, 18
<i>Long Canyon Phase II & III Homeowners Assoc. v. Cashion</i> , 517 S.W.3d. 212 (Tex. App.—Austin 2017, no pet.).....	14

<i>Methodist Hospital v. Harvey</i> , No. 14-18-00929-CV, 2020 WL 1060833 (Tex. App.—Houston [14th] Mar. 5, 2020, no pet. h.)	10
<i>Morgan v. Clements Fluids S. Tex., LTD.</i> , No. 12-18-00055-CV, 2018 WL 5796994 (Tex. App.—Tyler Nov. 5, 2018, no pet.).....	17
<i>Novosad v. LSG Vodka LLC</i> , No. 03-18-00804-CV, 2020 WL 4726599 (Tex. App.—Austin July 31, 2020, no pet. h.).....	9
<i>Patel v. Patel</i> , No. 14-18-00771-CV, 2020 WL 2120313 (Tex. App.—Houston [14th Dist.], May 5, 2020, no. pet. h.)	25
<i>Trevino v. Ortega</i> , 969 S.W.2d 950 (Tex. 1998).....	26
<i>Warner Bros. Entertainment, Inc. v. Jones</i> , 538 S.W.3d 781 (Tex. App.—Austin 2017).....	7
<i>Youngkin v. Hines</i> , 546 S.W.3d 675 (Tex. 2018).....	14
Statutes	Page(s)
18 U.S.C. §§ 2701-2712	28
TEX. CIV. PRAC. & REM. CODE § 143.001.....	28
TEX. CIV. PRAC. & REM. CODE § 27.001.....	13, 15, 16
TEX. CIV. PRAC. & REM. CODE § 27.002.....	15
TEX. CIV. PRAC. & REM. CODE § 27.005.....	18, 24
TEX. CIV. PRAC. & REM. CODE § 51.014.....	viii
TEX. CIV. PRAC. & REM. CODE § 73.051.....	2, 24

STATEMENT OF THE CASE

- Nature of the Case:** Appellees–Plaintiffs Arturo Guzman and The Law Office of Art Guzman sued Appellants–Defendants Ashley and Paul Szymonek for assault and battery, libel, slander, conversion, fraud, invasion of privacy, and breach of contract. Ashley Szymonek filed counter-claims for sexual assault/battery, invasion of privacy, violations of the Stored Communications Act, the Harmful Access by Computer Act, and harassing behavior/intentional infliction of emotional distress.
- Trial Court:** Honorable Margaret G. Mirabal
22nd District Court, Hays County, Texas
- Proceeding Below:** Appellees allege that the demise of Mr. Guzman’s law firm and his suspension by the Texas State Bar was caused by his former ten-year legal assistant, Appellant Ashley Szymonek (and her husband Paul), who allegedly engaged in a host of acts, including libel and slander. Appellants filed a Motion to Dismiss a subset of those claims under the Texas Citizen Participation Act (TCPA), asserting that those claims were based on allegations that Ms. Szymonek was discussing, *inter alia*, matters of public concern that included Mr. Guzman’s health, his bar suspension, and the neglect of his clients, to other members of the legal community.
- Trial Court’s Disposition:** The trial court denied Appellants’ Motion to Dismiss under the TCPA. *See* CR632, Appendix, TAB A.

JURISDICTIONAL STATEMENT

This Court has jurisdiction over the appeal of a denial of a motion to dismiss under the Texas Citizens Participation Act by a district court pursuant to Section 51.014(a)(12) of the Texas Civil Practice and Remedies Code.

STATEMENT REGARDING ORAL ARGUMENT

Appellants understand that the Court is well aware of the applicable TCPA standards and that the error presented is straightforward; therefore, they are not requesting oral argument as necessary. However, to the extent the Court determines that oral argument would aid in the disposition of this matter, Appellants request the opportunity to be heard.

ISSUE PRESENTED

Whether the trial court erred in dismissing—pursuant to the mandatory language in the Texas Citizens Participation Act—Appellees’ claims that rely on allegations that, among other things, Appellants engaged in allegedly damaging communications to others regarding matters of public concern, including Art Guzman’s suspension by the bar, his health, fitness, and well-being, and his mishandling of cases and clients.

INTRODUCTION

There is little doubt that Appellees–Plaintiffs Arturo Guzman and The Law Office of Art Guzman faced difficult challenges in 2019 and 2020. Mr. Guzman unsuccessfully defended a bar complaint that he misappropriated a client’s funds, resulting in a one-year suspension from the practice of law. He also was allegedly in poor health for a period in 2020, resulting in his hospitalization.

In this suit, Mr. Guzman alleges that those problems—including his suspension, his failure to segregate client funds, and his poor health—were the result of ill intentions by his former long-time legal assistant, Appellant–Defendant Ashley Szymonek, as well her husband and Co-Defendant, Paul Szymonek.

While several of Mr. Guzman’s allegations that were not the basis of the TCPA motion on appeal plainly fall outside of the reach of the TCPA—for example, his unsubstantiated and meritless allegation that the Szymoneks are liable for assault and battery because Ms. Szymonek allegedly poisoned him with antifreeze—several of his claims fall squarely within the ambit of the TCPA, requiring dismissal, because they are related directly to communications and associations Ms. Szymonek

engaged in regarding her concern about Mr. Guzman's trouble with the state bar, his handling of his clients, and his health, and are claims upon which Appellees failed to present clear and specific evidence supporting each element of those claims.

Without complying with the mandatory pre-suit procedures in the Defamation Mitigation Act, *see* TEX. CIV. PRAC. & REM. CODE § 73.051 *et seq.*, Mr. Guzman sued Appellants for numerous claims that plainly fall within the ambit of the TCPA, including libel, slander, invasion of privacy, and conversion based on a jumble of assertions, including that Ms. Szymonek engaged in "character assassination" by discussing those issues with other members of the bar in San Marcos.

Those allegations directly target Ashley Szymonek's exercise of her right to free speech on a matter of public concern and her right of association, which are plain exercises of the Szymoneks' constitutionally protected rights. In 2011, the Texas Legislature, joining several others, concluded that this type of lawsuit, filed in response to a defendant's exercise of its protected rights, should be subject to early dismissal unless supported with clear and specific evidence.

Finally, Appellees' First Amended Petition fails to meet the clear and specific evidence necessary to avoid dismissal as to various causes of action with respect to both Appellants, and Appellees' case against Paul Szymonek is nonexistent (there are virtually no specific factual allegations against Mr. Szymonek, and it is unclear why he was included as a defendant in the suit). Accordingly, the trial court erred in denying Appellants' TCPA motion, and the claims in the First Amended Petition that rely on those allegations must be dismissed and Appellants receive the relief the statute requires.

STATEMENT OF FACTS

The relevant facts are brief. Ashely Szymonek was employed by Mr. Guzman as a legal assistant in his law office in San Marcos for approximately ten years. CR330, TAB B at 1.¹ During that time, her duties grew, eventually resembling that of an office manager. CR330-31, TAB B at 1-2.

The parties dispute the nature of Mr. Guzman and Ms. Szymonek's relationship during the latter years of her employment; Mr. Guzman

¹ Because the First Amended Petition is the primary document relevant to this appeal, it is included (without its Exhibits) at TAB B in the Appendix and all citations thereto will contain parallel citations to the Clerk's Record and TAB B.

contends that Ms. Szymonek became “a part of the Guzman family,” CR333, TAB B at 4; Ms. Szymonek alleges that Mr. Guzman repeatedly engaged in egregious and inappropriate conduct towards her and illegally accessed her personal email account as part of this lawsuit. CR605-09 (Ashley Szymoneks’ Counterclaims).

In 2019, one of Mr. Guzman’s former clients filed a bar complaint against him, alleging that, *inter alia*, Mr. Guzman misappropriated settlement funds belonging to that client. CR335, TAB B at 6. That complaint eventually resulted in a one-year suspension of Mr. Guzman’s law license, from October 1, 2019 to September 30, 2020. Mr. Guzman’s client, Victor Balderas, sued Mr. Guzman and his law office in a case still pending in Hays County, styled *Balderas v. Guzman*, No. 19-1278 (22nd Dist. Ct., Hays Cnty., Tex.). In April 2020, Ms. Szymonek left Mr. Guzman’s firm for a job at a different firm, where she remains employed. CR336, TAB B at 7. Around the same time, Mr. Guzman fell ill and was hospitalized for a period of time. CR335, TAB B at 6.

On July 14, 2020, Appellees filed a Section 202 Petition, CR004 *et seq.*, in Hays County seeking depositions of the Szymoneks, alleging that they were responsible for Mr. Guzman’s misfortunes. After initial motion

practice regarding the 202 Petition, Appellees essentially withdrew the 202 Petition and instead filed a pleading alleging specific causes of action for the first time—the First Amended Petition, CR330 *et seq.*, TAB B—on September 9, 2020.

The First Amended Petition is a sprawling, rambling narrative riddled with hearsay and double hearsay, irrelevant side stories, facts that would be impossible for Mr. Guzman to verify from personal knowledge, and conclusory opinions that Mr. Guzman (as a lay person) is not qualified to give (*e.g.*, that Mr. Guzman was poisoned with antifreeze, handwriting-matching analysis, forensic analysis of computers, a forensic accounting of Mr. Guzman’s books, etc.). *See, e.g.*, CR343, 344, 345, TAB B at 14, 15, 16.

Despite its prolix, the First Amended Petition plainly alleges matters concerning Appellants’ protected rights under the TCPA, including allegations regarding Ms. Szymonek’s communications and association with others. Notably, it also fails to articulate what Paul Szymonek has to do with *any* of the allegations other than being married to Ashley Szymonek. As an example of the former point, Mr. Guzman alleges in multiple places that Ms. Szymonek was communicating with

other individuals about various matters, including case-related issues, client matters, Guzman’s disbarment, and other matters regarding Mr. Guzman’s well-being. *See, e.g.*, CR336, 340, 342, TAB B at 7, 11, 13. Mr. Guzman also alleges that Ms. Szymonek engaged in “Character Assassination” by “gossiping” to “multiple concerned colleagues of Art’s” by “saying very negative things about him.” CR345-46, TAB B at 16-17. Mr. Guzman also alleges that Ms. Szymonek’s employment with The Evans Family Law Firm—that is, her association with a different employer—somehow implicates her in wrongdoing. CR336, TAB B at 7.

SUMMARY OF ARGUMENT

Several of Mr. Guzman’s claims—libel, slander, invasion of privacy, and conversion—are based on allegations that invoke and trigger the Texas Citizens Participation Act. The trial court erred in determining that the TCPA did not apply to claims made in the First Amended Petition and in denying the TCPA Motion entirely. The Szymoneks ask this Court to correct and reverse this error.

STANDARD OF REVIEW

A trial court’s denial of a motion to dismiss pursuant to the TCPA is reviewed de novo, including whether the movant demonstrated that

the TCPA applies and, if so, whether the nonmovant demonstrated that its case was supported by clear and specific evidence. *Warner Bros. Entertainment, Inc. v. Jones*, 538 S.W.3d 781, 797 (Tex. App.—Austin 2017), *aff'd* 611 S.W.3d 1 (Tex. 2020).

ARGUMENT

I. The trial court’s denial of Appellants’ TCPA motion should be reversed because several of the claims therein are based on the Szymoneks’ exercise of rights protected by the TCPA.

The First Amended Petition contains claims based on, related to, and in response to the Szymoneks’ exercise of protected rights. Although the Szymoneks deny the allegations in the First Amended Petition, as the Texas Supreme Court has explained, the allegations in the petition determine whether the TCPA applies, regardless whether the allegations are denied. *Hersh v. Tatum*, 526 S.W.3d 462, 467 (Tex. 2017) (“The basis of a legal action is not determined by the defendant’s admissions or denials but by the plaintiff’s allegations.”). When the pleadings on their face show the TCPA’s applicability, the defendant has no burden at all to establish the TCPA’s applicability, so courts move to the next phase of the analysis. *See, e.g., Lara v. Streamline Ins. Servs, LLC*, No. 03-19-

00474-CV, 2020 WL 7776080, at *2 (Tex. App.—Austin Dec. 31, 2020, no pet. h.) (citing *Hersh*, 526 S.W.3d at 467).

Further, even if some claims may survive a TCPA motion (*e.g.*, the bodily injury exception), other claims that are subject to the TCPA should be dismissed. *See, e.g., Cavin v. Abbott*, 545 S.W.3d 47, 52-53, 56-57, 73 (Tex. App.—Austin 2017, no pet.) (finding that allegations of conversion and invasion of privacy in case involving alleged use of predatory “Marxist tactics,” “re-education,” “brainwashing,” “implant[ing] thoughts, false memories, and phobias,” or other means of psychological coercion should be dismissed under the TCPA even though assault claims survived because of physical injury exclusion). Here, several of Appellees’ claims fall under the TCPA’s purview under three categories.

A. Appellants’ allegations are based on, related to, or in response to exercise of the right of free speech on matters of public concern.

First, the challenged claims alleging libel, slander, invasion of privacy, and conversion are based on, related to, or in response to the Szymoneks’ exercise of the right of free speech on a matter of public concern. Mr. Guzman’s “character assassination” assertion and allegations that the Szymoneks may have committed libel and slander

are based on assertions that Ms. Szymonek was communicating with other individuals about various matters, including case-related issues, client matters, and Mr. Guzman’s disbarment, as well as “gossip” that allegedly involved Guzman’s well-being. *See, e.g.*, CR336, 340, 342, 345-46, TAB B at 7, 11, 13, 16-17.

Those types of communications all are based on or related to matters of public concern, which puts them within the scope of the TCPA. *See, e.g., ExxonMobil Pipeline Co. v. Coleman*, 512 S.W.3d 895, 901 (Tex. 2017) (per curiam) (holding that comments concerning an employee’s failure to sufficiently perform tasks that risked potential harm to the public fell within the ambit of the TCPA); *Deaver v. Desai*, 483 S.W.3d 668, 673 (Tex. App.—Houston [14th Dist.] Dec. 3, 2015, no pet.) (holding that communications relating to “[the Plaintiff–attorney’s] legal services, which she offers in the marketplace,” were “matters of public concern”); *Novosad v. LSG Vodka LLC*, No. 03-18-00804-CV, 2020 WL 4726599, at *5 (Tex. App.—Austin July 31, 2020, no pet. h.) (holding that comments about “the business practices” of a company with products in the marketplace were “statement[s] *connected to* an issue *related to* a product in the marketplace,” and thus within the ambit of the TCPA); *see*

also Baker v. Orange Panda, LLC, No. 04-19-00846-CV, 2020 WL 6293150, at *4 (Tex. App.—San Antonio Oct. 28, 2020, no pet. h.) (claims that spa used unlicensed doctors and other communications about spa services sufficed to show the applicability of TCPA to defamation claims); *Cunningham v. Waymire*, No. 14-17-00883-CV, 2019 WL 5382597, at *8 (Tex. App.—Houston [14th Dist.] Oct. 22, 2019, no pet.) (holding that communications to CPS complaining about potential abuse of plaintiff’s child was matter of public concern related to health, safety, or community well-being).

Such comments follow the long line of TCPA cases holding that communications about a company’s products or services that address more than the private, pecuniary interests of that company are within the TCPA’s scope. *See, e.g., Creative Oil & Gas, LLC v. Lona Hills Ranch, LLC*, 591 S.W.3d 127, 136-37 (Tex. 2019) (“prior cases [covered by the TCPA] involved environmental, health, or safety concerns that had public relevance beyond the pecuniary interests of the private parties involved”); *Methodist Hospital v. Harvey*, No. 14-18-00929-CV, 2020 WL 1060833, at *5 (Tex. App.—Houston [14th] Mar. 5, 2020, no pet. h.) (noting that public matters include issues that affect “the well-being of

the community at large or at least a subset of its residents.”); *Cavin*, 545 S.W.3d at 52-53.

To the extent that Appellants argue that they have not alleged that Ms. Szymonek’s alleged malicious communications explicitly expressed concern for Mr. Guzman’s clients,

[t]he TCPA does not require that the statements specifically ‘mention’ health, safety, environmental, or economic concerns, nor does it require more than a ‘tangential relationship’ to the same; rather, TCPA applicability requires only that statements are ‘in connection with’ ‘issue[s] related to’ health, safety, environmental, economic, and other identified matters of public concern chosen by the Legislature.

Coleman, 512 S.W.3d at 900. The Texas Supreme Court rejected any “effort to narrow the scope of the TCPA by reading language into the statute that is not there,” including a definition of “in connection with” that suggests “something more than a tenuous or remote relationship.” *Id.* at 901.

Like other parts of the TCPA, these issues are interpreted broadly and liberally, including finding that the TCPA applies to matters as paltry as complaints about the business practices of an exotic game merchant, *Harwood v. Gilroy*, No. 04-16-00652-CV, 2017 WL 2791321, at *9 (Tex. App.—San Antonio June 28, 2017, no pet.), and an accusation

that a youth baseball coach had an affair with a player's mother, *Bedford v. Spasoff*, 485 S.W.3d 641, 646 (Tex. App.—Fort Worth 2016), *rev'd on other grounds*, 520 S.W.3d 901 (Tex. 2017). A “matter of public concern” is therefore easily broad enough to cover allegations arising from statements, communications, and representations pertaining to improper conduct towards members of the public or the government in relation to legal services to clients, misuse of IOLTA funds, misconduct of attorneys and law offices, payments related to legal services, and the integrity of an attorney who serves the public. *Cf. Deaver*, 483 S.W.3d at 673 (holding that an attorney's actions (albeit a prosecutor) were matters of public concern because those actions affected the public). Therefore, the claims in the First Amended Petition constitute an attack on the Szymoneks' exercise of the right to free speech on matters of public concern and fall within the scope of the TCPA.

B. Appellees' allegations are based on, related to, or in response to the Szymoneks' exercise of their right to petition.

Likewise, Appellees' allegations are based on, related to, or in response to the Szymoneks' exercise of the right to petition. Specifically, a number of the assertions center on alleged communications that the Ms. Szymonek made (or, according to Appellees, represented that she

made, but did not make) with various courts and tribunals. *See, e.g.*, CR336, TAB B at 7 (regarding alleged communications (and lack thereof) between Ms. Szymonek and Marie Haspil at the State Bar concerning his disbarment proceeding; CR337, TAB B at 8 (same). Apart from the general privilege generally afforded to such communications, they are (at a minimum) based on or related to “a communication in or pertaining to . . . an official proceeding . . . to administer the law.” TEX. CIV. PRAC. & REM. CODE § 27.001(4)(A)(i-ii). In addition, they are based on and related to “a proceeding of the governing body of any political subdivision of this state,” *id.* at § 27.001(4)(A)(vii), “a communication in connection with an issue under consideration or review by a legislative . . . or other governmental body or in another governmental or official proceeding,” *id.* at § 27.001(4)(B), and “a communication that is reasonably likely to encourage consideration or review of an issue by a legislative . . . or other governmental body or in another governmental or official proceeding,” *id.* at § 27.001(4)(C).

Without question, communications and filings made to or related to a suit in court are communications in and pertaining to a judicial proceeding. TEX. CIV. PRAC. & REM. CODE § 27.001(4)(A)(i); *James v.*

Calkins, 446 S.W.3d 135, 147-48 (Tex. App.—Houston [1st Dist.] 2014, pet. denied) (holding that claims based on pleadings in various lawsuits were based on, related to, and in response to the right to petition). The Legislature intended that the right of petition contained in the TCPA be interpreted broadly, even including non-record documents like pre-suit demand letters that are not filed with the court. *See Long Canyon Phase II & III Homeowners Assoc. v. Cashion*, 517 S.W.3d. 212, 220-21 (Tex. App.—Austin 2017, no pet.).

Even claims based on an attorney reciting a Rule 11 agreement into the court record fell under the TCPA as an exercise of the right to petition. *Youngkin v. Hines*, 546 S.W.3d 675, 680 (Tex. 2018). “Youngkin’s alleged liability stems from his dictation of the Rule 11 agreement into the court record during trial. By any common understanding of the words, he made a statement in a judicial proceeding Therefore, the TCPA’s protections properly apply to Hines’s claims against Youngkin.” *Id.* at 680-81.

Here, some of the alleged communications that form the basis of Appellees’ causes of actions against the Szymoneks are based on, related

to, or in response to the Szymoneks' exercise of their rights to petition.

Therefore, for this second reason, the TCPA applies.

C. Appellees' allegations are based on, related to, or in response to the Szymoneks' exercise of its right of association.

Finally, Appellees' allegations also lie within the ambit of the TCPA because they are based on, related to, or in response to the Szymoneks' exercise of the right of association. Under the TCPA, the "[e]xercise of the right of association" is "to join together to collectively express, promote, pursue, or defend common interests relating to a governmental proceeding or a matter of public concern." TEX. CIV. PRAC. & REM. CODE § 27.001(2). The TCPA broadly defines "communication" as "the making or submitting of a statement or document in any form or medium, including oral, visual, written, audiovisual, or electronic." *Id.* § 27.001(1). Although the TCPA's stated purpose is to protect the rights of speech, association, and government participation, *id.* § 27.002, the statute's plain language covers a broad range of communications regardless of whether they are constitutionally protected. *Elite Auto Body LLC v. Autocraft Bodywerks, Inc.*, 520 S.W.3d 191, 204 (Tex. App.—Austin 2017, pet. dism'd) ("[W]e must reject [the plaintiff]'s attempts to limit TCPA 'communications' solely to those the First Amendment protects."); *see*

also Lara, 2020 WL 7776080 at *3 (citing *Elite Auto Body* for its holding, which relies on the proposition that communications can include “communications among defendants through which they lured competitor's employees to their business and communications through which defendants shared or used confidential information”).²

Appellees assert that the Szymoneks joined with others to defraud and otherwise unlawfully procure funds from Mr. Guzman, as well as associated with a new employer and other individuals in the community. *See, e.g.*, CR336, TAB B at 7 (implying that Ms. Szymonek’s employment with another law firm was initially subterfuge to allegedly engage in conduct to further harm Mr. Guzman). These allegations—regardless of merit—are therefore by Appellees’ own pleadings ones that involved public and private citizens’ participation and thus fit within the plain language of the TCPA. TEX. CIV. PRAC. & REM. CODE § 27.001(2) (“a communication between individuals who join together to collectively express, promote, pursue, or defend common interests”).

² Although *Elite Auto Body* and *Lara* both apply the old version of the TCPA, the definition of “communication” did not materially change between the two statutes.

In *Elite Auto Body LLC*, an opinion predating the 2019 amendments to the TCPA that carved out certain claims like trade secret misappropriation cases, this Court held that communications between private individuals aimed at luring employees to join a competing business invoked the TCPA because the communications were “between individuals who join together to collectively . . . promote, pursue, or defend common interests.” 520 S.W.3d at 205.

Several other courts have similarly found that the right to association was triggered based on communications involving conspiracy and collective disclosure of private individuals. *See, e.g., Backes v. Misko*, 486 S.W.3d 7, 20-21 (Tex. App.—Dallas 2015, pet. denied) (concluding communications relating to alleged conspiracy that were made “within the horse community” and on social media constituted exercise of right of association under TCPA); *Gaskamp v. WSP USA, Inc.*, No. 01-18-00079-CV, 2018 WL 6695810, at *12 (Tex. App.—Houston [1st Dist.] Dec. 20, 2018, no pet.) (alleged misappropriation of trade secrets by former employee); *Morgan v. Clements Fluids S. Tex., LTD.*, No. 12-18-00055-CV, 2018 WL 5796994, at *3 (Tex. App.—Tyler Nov. 5, 2018, no pet.) (same); *Abatecola v. 2 Savages Concrete Pumping, LLC*, No. 14-17-

00678-CV, 2018 WL 3118601, at *7-8 (Tex. App.—Houston [14th Dist.] June 26, 2018, pet. filed) (mem. op.) (alleged violation of non-competition agreement by private individuals and companies).

Like all of these cases, the instant communications are allegedly between persons who collectively have a common interest. Therefore, the claims are also based on, related to, and in response to the Szymoneks' exercise of the right of association, and thus subject to the TCPA.

II. The trial court erred because Appellees did not meet their burden of proving by clear and specific evidence a prima facie case for each essential element of the claims.

Because the TCPA applies for the three grounds in Part I, the trial court was required to dismiss all claims covered by the TCPA in the First Amended Petition unless Appellees showed in the record by clear and specific evidence a prima facie case *for each essential element* of the challenged claims. TEX. CIV. PRAC. & REM. CODE § 27.005(c). This analysis is not a pro forma or cursory review, but reflects a meaningful review of the causes of actions asserted and the evidence adduced in support of each. *See Lara*, 2020 WL 7776080, at *8-9 (reversing trial court's order denying TCPA motion because claimant failed to provide clear and specific evidence to support claims of tortious interference and

breach of fiduciary duty). The claims asserted in the First Amended Petition must be dismissed because Appellees failed to meet the burden of proving by clear and specific evidence every essential element of each claim.

A. Neither the First Amended Petition nor Appellees' Response to the Motion to Dismiss establish an element-by-element prima facie case of Appellees' claims.

As an initial matter, Appellees presented no declarations, affidavits, or other competent evidence in their two-page Response to the Motion to Dismiss. CR626-27.³ As noted above, the First Amended Petition itself is a sprawling, unverified⁴ narrative that, while it contains several unverified exhibits (a host of which appear to be illegally obtained from Ms. Szymonek's personal email account), does not attempt to

³ Some case law suggests that a toothless response like the one made by Appellees in this case alone warrant dismissal for failure to buttress the claims in the petition with proper factual predicates specifically linking alleged facts to elements of a cause of action. *See, e.g., Buzbee v. Clear Channel Outdoor, LLC*, --- S.W.3d ---, No. 14-19-00512-CV, 2020 WL 6738021, at *10 (Tex. App.—Houston [14th Dist.] Nov. 17, 2020, no pet. h.) (“[A]ccepting all allegations as true for purposes of establishing a prima facie case—without concomitantly demanding evidence that is legally sufficient to establish the allegations as factually true if it is not countered—would nullify the very purpose of the TCPA's burden-shifting mechanism” (citation omitted)).

⁴ While Mr. Guzman verified the 202 Petition, *see* CR024, he notably *did not* verify the First Amended Petition, and Appellees' Response to the TCPA Motion below does not rely on any verification of the facts in the First Amended Petition, *see* CR626-27.

connect any of those facts to individual elements of any of the asserted claims. That failure is fatal to those claims: “[u]nder the TCPA, general allegations that merely recite elements of a claim will not suffice” but rather require details which should link “facts” to the elements necessary to plead and prove a cause of action. *See Cunningham*, 2019 WL 5382597 at *8.

Neither a TCPA movant nor a court—whether the trial court or a reviewing appellate court—is required to sift through a record or a parties’ filings to try to help the nonmovant articulate and identify clear and specific evidence on every essential element of each claims to survive a mandatory dismissal in the face of a TCPA motion to dismiss. *Hawxhurst v. Austin’s Boat Tours*, 550 S.W.3d 220, 230 (Tex. App.—Austin 2018, no pet.) (noting that because the nonmovant failed to provide “any guidance . . . as to where the evidence can be found or how it supports the elements of its claim, we are not required to sift through the record in search of such evidence”); *accord Cavin*, 545 S.W.3d at 72-73.

For example, the *totality* of Appellees’ libel claim is “Defendants, one or more, published a false statement of fact referring to Plaintiff

which was per se libel. Plaintiff suffered damages for which Plaintiff herein sues.” CR347, TAB B at 18. The slander claim is equally sparse: “Defendants, one or more, orally made a false statement of fact referring to Plaintiff which was per se slander. Plaintiff suffered damages for which Plaintiff herein sues.” *Id.* The Response to the Motion to Dismiss does no further work connecting facts or evidence to those claims. *See* CR626-27. Libel and slander are variants of defamation depending on whether written or spoken. *Cunningham*, 2019 WL 5382597 at *9-11 (reading of prepared letter did not constitute libel as a matter of law). Here, Appellants’ Response fails to distinguish or articulate what evidence supports libel as opposed to Ms. Szymonek’s alleged “gossip.”

More fatal to these claims is the absence of any objectively verifiable false statement of fact. *Cunningham*, 2019 WL 5382597 at *12-13. Mr. Guzman’s suspension from the State Bar is a factually true statement that Appellants cannot deny. Appellants failed to establish any objectively verifiable false statement of fact, warranting dismissal of both species of defamation claims asserted as well as the vaguely plead and unsubstantiated “invasion of privacy” claims.

Serially, the First Amended Petition is devoid of any element-by-

element coupling, *see, e.g.*, CR347, TAB B at 18, and the two-page Response is no better in satisfying Appellants' burden of proof, focusing almost exclusively on the applicability of the TCPA. It contains a mere single conclusory paragraph that argues that the attachments to Appellees' Rule 202 Petition are sufficient evidence without explanation or tying the attachments to the pleaded claims. CR637. Procedurally, the Rule 202 Petition was withdrawn because it was superseded by the First Amended Petition (which Appellees did not address in their papers below), and Mr. Guzman did not verify the First Amended Petition. Thus, Appellants failed to carry their burden of proof on the elements of the claims subject to the TCPA.

B. Even if the Court were inclined to sift through Appellees' "evidence," it is unclear how that evidence would map to each essential element or how that evidence can be substantiated.

Even if the Court considers the statements in and attached to the First Amended Petition (or even the Rule 202 Petition), the statements are in no way linked to the elements of each cause of action. Further, the bulk of the potentially pertinent allegations are unsubstantiated assertions that do not constitute competent, admissible evidence, including:

- Numerous hearsay statements, including hearsay within hearsay. *See, e.g.*, CR343, TAB B at 14 (“Madison called her mother, Valarie, and told her what Ashley had said and it did not make sense to her at all either.”).
- Assuming *arguendo* that Mr. Guzman’s 202 Petition verification could provide veracity to similar statements in the First Amended Petition, statements that Guzman could not verify because he was not present. *See, e.g.*, CR342, TAB B at 13 (“Shelly later told his children that at one point Ashley answered his phone and told her that she and Art had a talk about him closing the office down and they were very emotional, lots of tears, and he went for a walk.”).
- Statements regarding the mental state and impressions of individuals other than Guzman, including assessments made by medical doctors without attaching the referenced medical records. *See, e.g.*, CR344, TAB B at 15 (“Art’s doctors were perplexed at the events leading up to his current condition”).
- Statements that would require an expert opinion. *See, e.g.*, CR347, TAB B at 18 (“One of the first things that was noticed was the handwriting on the deposit slip looks remarkably like Ashley’s handwriting.”).

C. Notably absent from Appellees’ accusations is any attempt to explain the damages that Appellees have incurred and how the Szymoneks are responsible for the causation of those damages.

The law on the burden of proof to pass TCPA muster is exacting, and Appellees’ allegations come nowhere close to meeting the “clear and specific” requirement as to those claims. This is overwhelmingly so with regards to the libel, slander, invasion of privacy, and conversion claims.

The clearest example of Appellees’ failure to provide clear and specific evidence of each element of the challenged claims is the complete absence of any *alleged damages or causation* tied to any of these claims. *Cf. In re Lipsky*, 460 S.W.3d 579, 590 (Tex. 2015) (“To defeat an appropriate TCPA motion to dismiss, the opponent must establish “by clear and specific evidence a prima facie case for each essential element of the claim in question.”); *see also* TEX. CIV. PRAC. & REM. CODE § 27.005(c); *In re Elliott*, 504 S.W.3d 455, 465 (Tex. App.—Austin 2016, no pet.) (petitioner required to satisfy every element).

Not only did Appellees fail to point the trial court (or the Szymoneks) to clear and specific evidence of causation and damages in relation to the specific tort claims, they also fail to make even a *prima facie* showing of how a lawyer whose law license was suspended by the State Bar for a year could have sustained any defamation or invasion of privacy for any communications relating to that fact. *See* CR626-27.⁵ Failing to produce clear and specific evidence of damages flowing from the allegedly defamatory statements can be fatal in the face of a TCPA

⁵ In that regard, Appellees’ theory is especially opaque given that they also failed to send a pre-suit letter complying with the mandatory pre-suit procedures in the Defamation Mitigation Act. *See* TEX. CIV. PRAC. & REM. CODE § 73.051 *et. seq.*

motion. *Baker*, 2020 WL 6293150 at *10-11 (concluding that trial court erred in denying TCPA motion as to two of the defamation claims where no damages shown flowing from the statements).

Further, it is well settled that general accusations of “gossip” are insufficient to demonstrate the specific elements required to show that a defendant published false statements that were the causation of actual damages. *See Patel v. Patel*, No. 14-18-00771-CV, 2020 WL 2120313, at *9 (Tex. App.—Houston [14th Dist.], May 5, 2020, no. pet. h.) (holding that the TCPA defeated defamation claims where the plaintiff “failed to present any evidence of the facts of when, where, and what was said” and made little more than conclusory statements “completely devoid of details to support a factual inference or show a factual basis for his claims”).

Regarding the conversion claim,⁶ Appellees presented no evidence—let alone clear and specific evidence—of the theft of *any* tangible property of any type. Texas law does not recognize a viable claim

⁶ The *entirety* of Appellees’ conversion claim is “Further, Defendants converted funds that belonged to Plaintiff without any legal authority,” and it appears in the same cause of action as Appellees’ fraud claim. *See* CR348, TAB B at 19. While Appellants recognize that common-law fraud claims fall outside of the TCPA, Appellants assume that Appellees are asserting claims for *both* conversion and common-law fraud.

for conversion of money generally that is not a specific *res*. *Chu v. Hong*, 249 S.W.3d 441, 444 (Tex. 2008). Appellees failed to point to any clear and specific evidence of a converted item that is not “money” generally. Appellees’ conversion pleading, CR348, TAB B at 19, was dead on arrival as they failed even to properly plead and state a claim that has a basis in law or fact. *See, e.g., Trevino v. Ortega*, 969 S.W.2d 950, 951 (Tex. 1998) (Texas law does not recognize spoliation cause of action). Accordingly, the trial court erred in not dismissing Defendant’s conversion counterclaim.

As this Court is well aware, the Legislature enacted the TCPA as a Texas procedural mechanism to provide for the early dismissal of meritless claims made in an attempt to chill the rights of free speech and other protected rights. “The Texas Citizens Participation Act is a bulwark against retaliatory lawsuits meant to intimidate or silence citizens on matters of public concern.” *Dallas Morning News, Inc. v. Hall*, 579 S.W.3d 370, 376 (Tex. 2019) (citing *In re Lipsky*, 460 S.W.3d at 586). Appellees claims against the Szymoneks—and perhaps, most egregiously Paul Szymonek, where no evidence of pleaded facts suggest *any*

involvement in most or all of the matters plead—are precisely the types of claims the TCPA was created to dismiss.

D. Most of Appellees’ “evidence” is mean-spirited mudslinging that appears to be unrelated to any claims in the case.

As indication of the meritless, mean-spirited nature of the claims against Ms. Szymonek and her husband, Appellants note that Appellees have, on multiple occasions in public filings including the First Amended Petition, attached emails regarding psychotherapy appointments that Ms. Szymonek scheduled (containing publicly disclosed private medical information about Ms. Szymonek that Appellees illicitly acquired from her personal email account), *see, e.g.*, CR213, and communications between Ms. Szymonek and the new law firm where she went to work in April 2020 after Mr. Guzman informed her he was closing the office, *see* CR388-96. Such exhibits do not appear to be connected to any claims in the case, much less sufficient to provide “clear and specific evidence” of individual elements of Appellees’ claims.

Further, it appears that several of those exhibits have been obtained from Ms. Szymonek’s *personal* email account, which apparently Appellees (or their agents) hacked or accessed illicitly, since no one associated with Appellees had any authorization to access Ms.

Szymonek’s personal e-mails or other accounts. *See, e.g.*, 18 U.S.C. §§ 2701-2712 (the “Stored Communications Act” or “SCA”); TEX. CIV. PRAC. & REM. CODE § 143.001 *et seq.* (the Texas Harmful Access by Computer Act (HACA), CR605-06, 608-09.

Because volume and innuendo alone—absent element-by-element analysis—do not provide clear and specific evidence, and because Appellees did not link the allegations in their petition or the exhibits they referenced *as to each and every element* of the claims they asserted in the First Amended Petition, all—or, at a minimum, all but the assault, breach of contract, and common-law fraud claims—should have been dismissed by the trial court. *See, e.g., Cavin*, 545 S.W.3d at 52-53, 56-57.

CONCLUSION

For these reasons, Defendants–Appellants Ashley and Paul Szymonek respectfully request that this Court reverse the trial court’s denial of their Motion to Dismiss pursuant to the Texas Citizens Protection Act, award them reasonable attorney’s fees and sanctions as appropriate under the TCPA, and all other just relief to which they are entitled.

January 7, 2021

Respectfully,

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CERTIFICATE OF SERVICE

This document was served electronically on all counsel of record via the Court's electronic filing system on January 7, 2021, including:

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Carlos Soltero

CERTIFICATE OF COMPLIANCE

This brief was written in Microsoft Word 2019, and contains 5,823 words, excluding the portions of the brief exempted by Rule 9.4(i)(1).

/s/ Carlos Soltero
Carlos Soltero

APPENDIX

Order [Denying Szymoneks' Motion to Dismiss],
Guzman v. Szymonek, No. 20-1430 (Hays Cnty. Dist.
Ct.—22nd Dist. Nov. 3, 2020) [CR632]..... **TAB A**

First Amended Petition [Without Exhibits],
Guzman v. Szymonek, No. 20-1430 (Hays Cnty. Dist.
Ct.—22nd Dist. Sept. 9, 2020) [CR330-50]..... **TAB B**

TAB A

FILED

CAUSE NO. 20-1430

2020 NOV -3 PM 3: 37

Beverly Crumley
DISTRICT CLERK
HAYS COUNTY, TEXAS

ARTURO GUZMAN AND
THE LAW OFFICE OF ART
GUZMAN,
Plaintiffs

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IN THE DISTRICT COURT

V.

22ND JUDICIAL DISTRICT


ASHLEY SZYMONEK
AND PAUL SZYMONEK
Defendants

HAYS COUNTY, TEXAS

ORDER

Before the Court came on to be considered the Motion to Dismiss Under the Texas Citizens Participation Act filed on October 16, 2020, by Defendants. Having considered the pleadings and exhibits, and the arguments and authorities presented by both sides, the Court Hereby RULES that said Motion to Dismiss should be, and Hereby is **DENIED**.

IT IS SO ORDERED and SIGNED this November 3, 2020.


Judge Margaret G. Mirabal
Presiding Judge

TAB B

NO. 20-1430

ARTURO GUZMAN AND THE	§	IN THE DISTRICT COURT
LAW OFFICE OF ART GUZMAN	§	
	§	
VS.	§	
	§	22nd
ASHLEY SZYMONEK	§	JUDICIAL DISTRICT
AND	§	
PAUL SZYMONEK	§	
DEFENDANTS	§	HAYS COUNTY, TEXAS

FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Arturo Guzman and the Law Office of Art Guzman, Plaintiffs herein,
and files this First Amended Petition and respectfully shows the Court the following:

I.

DISCOVERY CONTROL PLAN LEVEL

Plaintiffs affirmatively pleads that he seeks monetary relief aggregating \$1,000,000 or more, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees, and intends that discovery be conducted under Discovery Level 3.

II.

PARTIES AND SERVICE

Plaintiff, Arturo Guzman brings this case in his individual capacity and as representative of the Law Office of Art Guzman. The last three digits of the social security number for Arturo Guzman are 867, and the last three digits of his driver's license are 307.

As used herein, "Plaintiff" shall include not only the named Plaintiff, but also persons whose claims are being represented by a Plaintiff.

The name and address of the Defendants are as follows Ashley Szymonek, and Paul Szymonek 723 Vista Gardens Drive, Buda, Texas 78610.

Defendants may be served by serving their attorney of record.

III.

JURISDICTION AND VENUE

The subject matter in controversy is within the jurisdictional limits of this court.

Plaintiff seeks monetary relief over \$1,000,000.

Venue is proper in Hays County because the acts committed by one or more of the Defendants and the employment contract of Ashley Szymonek was performed in Hays County, Texas.

IV.

NATURE OF ACTION

This is an action for damages.

V.

CONDITIONS PRECEDENT

All conditions precedent to the institution of this lawsuit have been fulfilled.

VI.

FACTS

Ashley Szymonek, hereinafter she may be referred to as “AS”, was employed by Plaintiff in his law office as a legal assistant for over 10 years. It is believed that evidence exists to indicate that Ashley Szymonek committed multiple deceptive, fraudulent, and illegal acts during her tenure as a Paralegal at The Law Office of Art Guzman. The evidence provided will

substantiate this and will also provide the foundation for why it is believed that Ashley Szymonek, based on the desire to cover her illegal acts and fraud, worked for months to cover her tracks and create a narrative that would destroy Art Guzman's reputation and lead others to believe he was so depressed that he would take his own life.

The evidence is expected to show that one or more of the Defendants removed multiple items from Art Guzman's office including files, checkbooks, receipt books and trial notebooks. The evidence will show that Ashley deleted thousands of files from the computers at the office, misled colleagues, and lied to Art's family members and clients. She also created false documentation and false identities to hide her crimes and dishonest deeds.

Ashley had the access, means and motive to ensure that Art never became aware of the truth behind the civil litigation brought against him by Victor Balderas Zubieta. Verifiable facts indicate a desperate attempt to keep Art from ever attending any hearings on the matter or even communicating with Marie Haspil at the State Bar and/or his purported malpractice carrier.

It is also believed that Ashley's husband, Paul Szymonek, has information related to the alleged activity and knowingly benefited financially from her crimes.

The statements, emails, text messages and documentation provided herein show not only that Art Guzman did not intentionally or knowingly withhold funds from a client, but that he was completely unaware of the actions that prevented him from being notified about any complaints or hearings. That fact is solely due to Ashley Szymonek diverting all correspondence and emails to folders in the office email archives or to fake email accounts that she had set up. Art Guzman did not become aware of these alleged activities until after he awoke from a coma in the ICU and was able to speak and retain information on May 5, 2020.

History: For approximately 10 years Ashley Szymonek, paralegal, was the sole employee that managed the day to day business functions for The Law Office of Art Guzman. Part of her job was maintaining the Operating and IOLTA accounts held at Frost Bank in a compliant and professional manner. When reviewing the past three years of the IOLTA statements, it is easy to distinguish that the handwriting on the checks and deposit slips is Ashley's more than ninety percent of the time.

Ashley was initially given access to the Frost Bank login information in November 2010 by Art's ex-wife, Valarie Guzman. Valarie had worked with Art to grow his practice throughout their marriage and had managed the finances of the office up until that point. With Valarie taking a job external from Art's law practice, Ashley was gradually given access to all bank accounts, eventually taking on the full responsibility of managing the office finances. The email address for notifications was changed to Ashley's personal email address in November 2010, and she began to manage the deposits, accounts payable/receivables and the IOLTA account at Frost Bank. See **Exhibit A**.

With Ashley's access, experience and knowledge of the accounts, Art Guzman came to rely on her to assist with getting information to his accountant, and to manage other financial matters that his ex-wife, Valarie Guzman, had previously taken care of. Ashley was replicating the roles and responsibilities formerly managed by Valarie and Art had a transfer of trust. Ashley was in contact with Art's personal banker at Frost Bank, Sharon Kincaid, whenever something was needed. Included in **Exhibit B** are text messages between Art and Ashley referencing Sharon getting proof of payment for them to get to the IRS on April 28th. There are also messages between Valarie and Ashley when Art was in the hospital and Valarie was attempting to assist Art with financial issues at the office. Also included to further illustrate Ashley's level of involvement in the management of the accounts are just a fraction of the email correspondence between Valarie Guzman and Ashley over the past ten years regarding financial information and transactions.

As time passed, Ashley became an integral part of the Guzman family. More than an employee, she was a trusted friend and referred to as family. Art's son, Logan, was in her first wedding in 2008. Ashley attended all major milestones in the Guzman children's lives as they grew up. During the period of the dissolution of the Guzman's marriage, Ashley worked hard to build a sister-like relationship with Art's daughter, Madison, by texting and communicating with her daily. Photographs across the time of Art hiring Ashley up to just recently are attached as **Exhibit C**.

Ashley placed herself, in a very natural way, into the role of Art Guzman's right-hand person; his ride-or-die at a time when he was vulnerable and adjusting to a new normal. The entire family, to include his ex-wife, was grateful she was there for him at the office as an employee, but she also was becoming a very supportive friend. Art was struggling with the

demise of his 21 year marriage and Ashley purported to know a lot about depression. Art grew to trust and rely on her.

Ashley was always a great help with the kids, giving them rides to doctor's appointments and from school if needed. This started when she was a part-time employee but as the family bonded with her it was a natural continuation.

Employment Timeline: On February 14, 2007, Ashley Szymonek was hired as a parttime legal secretary by Art Guzman and his then full-time senior paralegal, Teresa Meckel. Ashley worked as a part-time legal secretary, assisting with general office type duties required in a professional service industry. She was gradually given more responsibility over the next year and a half.

Ashley transitioned to full-time in 2008 and in August of 2008 she was promoted to a full-time Paralegal. Art's ex-wife was working outside of the law office but still assisting with office accounts and some office duties. Art asked Valarie to work with Ashley and ensure she understood how to manage the office accounts and the IOLTA accounting procedures specifically.

Valarie Guzman continued assisting the office and Ashley with the accounts and bills over the next few years and taught Ashley the accounting practices set up in QuickBooks for the operating account as well as the IOLTA account. Valarie had a bookkeeper employed on contract, Pam Gaba, to assist with reconciling the accounts on a monthly and quarterly basis, as she knew it was time consuming. By the end of 2010 Art and Valarie were confident that Ashley was fully aware of the rules and regulations to be followed when managing client funds and what the purpose of an IOLTA account was. Ashley was expected to use a bookkeeper to reconcile accounts to ensure accuracy and was transitioned to Pam Gaba, freelance Bookkeeper, for that reason. **Exhibit D.**

In February 2012, Art and Valarie divorced and Valarie was no longer active in any of the account management at the office. It is now clear that Ashley gradually stopped following the procedures and processes she was trained to follow, although it was not apparent at the time. Whenever asked, she continued to produce financial records and reports and on the surface things were consistent.

Although Art and Valarie divorced, they maintained a friendship as well as some financial ties. Valarie communicated with Ashley as the point person on all accounting questions and financial needs over the years. Attached emails and text messages provide a clear picture of how involved Ashley was in the management of day to day operations as well as Art's personal and business financial matters. She was the point person for all financial information for accountants and for client billing and accounts. As shown by the emails in Exhibit D, Ashley was the person Art employed to manage those matters.

Over the years there were times when it was a struggle to get documentation from Ashley regarding financial matters such as tax documentation, delivery receipts or emails notifications in a timely manner, but she would produce it. If ever there was a question, Ashley was quick to produce documentation to substantiate her position.

State Bar Complaints: Art was **not** aware of the grievance filed against him by Mr. Victor Balderas Zubieta until he was notified by the State Bar in October of 2019. He prepared an answer that was purportedly forwarded to Marie Haspil at The State Bar by email on November 19, 2019. That email was apparently never received by Ms. Haspil, as Ashley emailed it to the wrong email address by misspelling Haspil as Hapsil. Ashley then forwarded that email to her own personal email address with no attachments and deleted it from the law office Yahoo account. A copy of that email is attached as **Exhibit E**.

In addition to his answer, Art Guzman also thought he responded to requests for disclosure and issued his own requests for disclosure. He also believed he filed a business record affidavit to get his IOLTA account into evidence. Unfortunately, Art has only recently learned that thousands of emails were deleted from his office email account, which he former paralegal, Ashley, had full access to, and all of the responses and requests he prepared have been deleted. There are large gaps between dates in Art's received and sent folders. A screenshot of the request to restore deleted emails sent to Yahoo tech support as well as screen shots of the recovered deleted emails is enclosed as **Exhibit F**.

It is important to note here that in a life and death scenario, Art had to be hospitalized suddenly on April 29th. While he was in the hospital his family had to fight to get his passwords changed to prevent Ashley from continuing to access his work and personal accounts. Ashley

continued to access the office DropBox and email accounts while Art was in the hospital, despite the fact that she was already employed by another law firm.

Ashley accepted a position as a full time Paralegal with The Evans Family Law Firm on April 23, 2020. In email messages attached she indicated to the Evans Family Law Firm that she would need Tuesday and Wednesday, April 28th and 29th, off due to prior commitments with her son. See **Exhibit G**. Per Ashley Szymonek to Valarie Guzman on April 29th, Ashley's son was in Dallas with his grandmother at that time and was not scheduled to be brought back to his home in Buda, Texas until May 2nd, his father Paul Szymonek's birthday.

As far as Art was concerned, he was fully engaged in civil litigation involving the State Bar and Victor Balderas Zubieta. As matters progressed, he wondered why the State Bar was continuing to pursue the matter even after all he thought had been done - he thought he had provided copies of cleared checks from his IOLTA account along with all other supporting documentation with his original answer and was confused as to why the litigation continued. The discovery requests and responses Art prepared apparently were never sent to the State Bar by Ashley. The same is true for the business record affidavit.

Art asked Ashley to schedule a telephone appointment with Marie Haspil. When it was time for the call to start, Ashley told him that she called to connect the call but she had been told that Ms. Haspil was unavailable. Art went ahead and prepared a trial notebook which included a "file-stamped" copy of his answer, a copy of his discovery responses, a copy of all of the cashed checks and a copy of his unanswered request for disclosure. Note: That trial notebook disappeared from Art's office while he was in the hospital along with many other files and trial notebooks.

While he was in the hospital Art's daughter, Madison, discovered that the office email had some 80 filters and blocks on it, unbeknownst to Art. The key words included in those filters included all that would catch any email traffic from his banks, accountants, The State Bar, Balderas, Haspil, Marie, State, Texas, Junkin to name a few. The August 19, 2020 eFile notice regarding the Plaintiff's Motion for Summary Judgment, eFile'd on August 19, 2019 was one of the deleted emails that was restored. Please see attached **Exhibit H** that highlights 3 different emails regarding the Balderas case were restored by the Yahoo request. Also included in the Exhibit are screenshots of the blocked email addresses.

Art found out about his February 26, 2020 disbarment in the second week of March when a tenant in his building mentioned this to him. Art was stunned and in disbelief. He contacted the State Bar and he was told that it had been a default judgment and that he would have to file a motion for a new trial. Art still did not understand it, as he had a copy of the file-stamped answer and did not know how a default judgment had been taken. See the attached affidavits of Case Darwin and Naomi Coleman Medina. **See Exhibit I.**

Art quickly filed a Motion for New Trial (or so he thought). Art was told by Ashley that he was scheduled for his hearing with the State Bar on March 18, 2020. On March 17, Ashley told Art that the hearing was rescheduled to March 31 due to the coronavirus pandemic. On March 31, the hearing was pushed back again to April 10th. On the morning of April 9th, Ashley informed Art that the Judge had cancelled the docket. It was very short notice but it was Easter weekend and Art's family and friends encouraged him to stay faithful. A new date was given of April 24th. On the morning of April 24th Art heard that the hearing was cancelled again, this time because that Judge disqualified him/herself due to a conflict of interest. Art updated his friends and family each time the hearing date was pushed back. See **Exhibit J.**

Art was given the new hearing date of **April 29, 2020** at 9:00am - the date that Art was hospitalized and admitted to the ICU. . Art was very excited to get the hearing over with. Art had not been able to work in about two months and he was feeling the stress that any person would feel not being able to provide for a spouse and kids. Given the allegations against him, presumably with a reputation as a thief, which really was the biggest blow, Art was having trouble finding even a temporary job.

Art's hearing was never scheduled. In fact, Ashley had never filed the motion for a new trial. The rescheduling of his hearing was all untrue. Multiple texts between Art and his family and friends confirm he had no doubt in his mind that he was set for a hearing on his motion for new trial and his documentation would clear the matter up and he would be able to clear his name. The attached statements from Art's tenants at the office also corroborate that Art was in complete shock and he was convinced he had not done anything wrong. **Exhibit J.**

Refinancing of the Office Building Note: Art had agreed during the summer of 2019 to buy his ex-wife's equity in the office building at 604 West Hopkins St. He started that process in the fall of 2019 and found out that there had been a breach of his social security number and a credit card had been opened in his name. He was working with a client, who was also a banker,

Susan McKneight, on the refinance. Ashley was in contact with Susan McKneight about the refinance, as she was also speaking with her frequently about her ongoing case. The identity theft put things on hold for several months. Art was told he had to wait until the fraud from the fake identity was removed from all 3 of the credit reporting agencies records before the loan could go through.

The issue was complicated by the fact that the office building had a balloon note that would come due in December of 2019 and the lienholder, Broadway Bank, was requesting payment for 4 months at that time. This fact was only discovered by accident as Valarie was at the office on Friday afternoon on May 8th. An Executive Officer from the Bank did a courtesy stop to try to make face to face contact with the owners. He reviewed the file and it did not seem right that there was such a small balance owed (51K) on the building and his department had not been able to get in touch with Art via phone, email or certified mail.

The property was posted for foreclosure and was scheduled for auction on June 2, 2020. This was devastating news on top of everything else. That building was an investment bought to secure a quality education for Art and Valarie's children. A copy of the foreclosure notice is attached as **Exhibit K**. Once the bank representative heard all that was happening with Art he was compassionate and allowed Valarie to refinance the building but would no longer allow Art to be on the note. Art had to be removed from the deed so that his ex-wife and daughter could refinance the building for the balance owed plus fees incurred.

Art was being told by Ashley that the closing would happen any day now, and that is the message he continued to relay to Valarie. It was extremely stressful, and we now know that it was Ashley who opened the Visa card ending 9207 using Art's name and social security number. That is why she continued to put him off and put the closing off with stalling and excuses. Receipts for items bought with the "fraudulent card" as well as the Chase Card notices for an office credit card from Chase that Art had authorized for business use only ending in 0733 were sent to Ashley's personal email address. Art never saw the statements and was told the office card was lost. He requested a replacement and that card was never used as far as he knew. Receipts for purchases made with the two cards are attached in **Exhibit L**.

Malpractice Attorney: Art originally learned of Mr. Balderas Zubieta's accusation stating Art withheld funds owed to him when he was notified of a lawsuit that was filed against

him on May 19, 2019. He immediately filed a pro-se answer and had Ashley contact his malpractice carrier and get the ball rolling to have an attorney assigned to represent him. Art had never needed to use his insurance but it was something that was always stressed to Ashley as important and to never let it lapse.

Art had Ashley send the case information to them so they could assign counsel and enter the litigation. Art attempted to meet personally with the attorneys that were assigned but it never seemed to work out. Ashley was in communication though, and Art believed she had been in contact on a regular basis. She, in fact, told Art that the malpractice firm had let her know that they would be filing a summary judgment motion after Easter.

Art ultimately checked on his case himself on the Hays County website and learned that a default judgment had been taken out against him on March 12, 2020, in the form of a summary judgment. Art was never provided with notice that a summary judgment had been filed against him, much less that the motion had been set for a hearing. Art had no reason to expect or even anticipate notice from opposing counsel that his case had been seen for a hearing, since he purportedly had counsel representing him. See **Exhibit M**.

Art was expecting to speak by phone with the malpractice lawyer on April 28th, the day before he was also “scheduled” to have his Motion for New Trial hearing with the State Bar regarding his disbarment on **April 29th**.

When Art regained consciousness and could speak he asked his daughter, Madison, to get the information for his malpractice attorney and get in touch with them. There was no attorney or malpractice carrier. Ashley had allowed that coverage to lapse years ago. It was also discovered that she had an auto login on her desktop in Chrome Gmail for a Justin.LSquared@gmail.com. This email inbox had an email message in it from Art written on April 14, 2020. Art had written to the address given to him by Ashley as his malpractice attorney. This person does not exist. Screenshots attached will show Art had been writing to an email box that Ashley created on her desktop.

Also, Ashley used this same fake email account on April 22, 2020 to post a recommendation on Yelp for Invisible Fence of Austin. Ashley’s husband works for the company and she works for them part-time as well. An email from the owner, Marguerite Miller, to Ashley asking if she posted a recommendation as “Justin” and Ashley confirming that she did

is also attached. The post appears just below a post from an Ashley Y., from Austin. Ashley's former married name is York. In text messages on May 6th, Ashley denied knowing anything about Art's malpractice attorney or how to contact him when Valarie asked her about it. Art asked Ashley to help Valarie get all the information she needed to help him while he was still in the hospital and not well enough to speak for himself. Those texts are attached along with the fake email and Yelp rating email in **Exhibit N**.

Falsification of Payroll and Tax Documentation: Art's wife, Shelly, recently received an inquiry from the IRS. Art had reached out to Dax Verleye, his accountant, but had not heard back from him. Since he was going to be in San Marcos on the 28th of April, Ashley offered to get statements from Frost Bank showing the tax payments were made and she set up a phone call meeting with Dax Verleye to get it all taken care of. That meeting would never take place and those tax payment documents would never be provided. It was discovered that Dax Verleye has not done taxes for Art in 15 years. Ashley has been claiming that Dax Verleye is the accountant preparing Art's taxes. She has presented prepared tax documents with his name on them and she also provided letters on letterhead with his signature to a mortgage company when Art and his wife bought property in June of 2019. **Exhibit Q**.

Misappropriation of Funds: The meeting at the office scheduled for April 28th was scheduled to review the Balderas Trial Notebook, as well as resolve a couple of outstanding issues that had been difficult to get meetings scheduled. Mr. Balderas Zubieta was owed a sum of \$197,000 in proceeds for the sale of real estate recovered for him by The Law Office of Art Guzman. He requested that sum be paid in multiple smaller checks and was issued 8 checks on September 26, 2018. Seven checks were issued in the amount of \$25,000 and the eighth check was written out for \$22,000. In March of 2019, Mr. Balderas claimed he was not able to cash the last two checks, Art Guzman requested proof from the bank. He was provided with photocopies of eight cleared checks that Ashley Szymonek obtained directly from Frost Bank. Those copies were placed in the clients file to be provided to the State Bar and to Art's malpractice attorney. It has now been revealed, after research by family members and attorneys for Art Guzman, that when the 8 checks were written on September 26, 2018 Ashley Szymonek had to be very well aware there was not going to be enough money in the IOLTA account for all of the checks to clear. See the **IOLTA Summary Analysis** and the Frost Bank Statements attached as **Exhibit P**. On March 19, 2018 Mr. Balderas IOLTA account deposit was a check for

\$196,097.72. The ending balance in the entire IOLTA account on March 30, 2018 was \$195,785.64. After reviewing the account statements, bank records and receipts, it has been determined that Ashley had been using IOLTA funds for her own personal expenses causing the account to fall short. She opened a PayPal account and attached it to the IOLTA account the same month that Mr. Balderas Zubieta's funds were deposited.

Each month after the initial Balderas deposit in March of 2018 the account shows less funds than would be needed to provide Mr. Balderas his full payment. Ultimately, when Mr. Balderas attempted to cash his checks in March of 2019 there were insufficient funds to do so for two of the checks in the total amount of \$47,000. Art asked repeatedly for Ashley to get Mr. Balderas Zubieta into the office so he could get his funds and was told he could not come in for various reasons until September of 2018 when he was finally issued 8 checks.

Based on text conversations with family and friends it is known that Art Guzman knew he had Mr. Balderas sign a receipt accepting payment of the monies owed and was shown the cleared checks by Ashley to place in Mr. Balderas's file. He believed that Mr. Balderas was paid all money owed to him. Art was not aware of the fact that two of the checks had not cleared as he was shown evidence of the processed checks. Again, after April 29th, from what was discovered on Art's email accounts it appeared that Ashley went to great lengths to prevent any communications about the shortfall in the account, Victor Balderas's Grievance with the State Bar, or any other financial matter from reaching Art Guzman. Not only did she receive all mail and screen all phone calls to the office, she used the filters on his email and blocks on his personal email.

The attached data spreadsheet, substantiated by the attached bank statements, indicate that between March 1, 2018 and May 31, 2020 **Ashley spent \$246,873.00 for personal expenses** for the benefit of herself, her husband, and her family. This does not include amounts spent from the operating account ending in 3478 at Frost Bank which has discrepancies as well still being accounted for.

texts

Hospitalization of Art Guzman: On the morning of April 28th, 2020 Art Guzman made himself a peanut butter and jelly sandwich, grabbed an apple, kissed his wife, Shelly, and said he would not be gone long. He headed to the office to meet with Ashley at 8:00 a.m. The plan was to get responses from his accountant, Dax Verleye, copies from Shalon Kincaid at Frost Bank of

proof of taxes paid and meet with his malpractice attorney at 12:30 by phone. In other words, the gig was soon to be up and Ashley, and presumably her husband, knew it.

Ashley was at the office to assist Art in the morning but then planned to leave in the early afternoon, according to her texts with Art, to do something at her son's school. **See Exhibit Q.** Art does not remember very much past the first half hour or so from that day. No one could reach him by phone all day and he did not go home that night. Art's wife, Shelly, was texting and calling him throughout the day. Shelly later told his children that at one point Ashley answered his phone and told her that she and Art had a talk about him closing the office down and they were very emotional, lots of tears, and he went for a walk. While it has always been Art's plan to retire someday and close the office, this was not something he was planning to do anytime soon according to anyone close to him.

Other responses from Art's phone to his wife's texts were short and dry which she said was out of character for him. Ashley had told Shelly she was there with Art until 7:30 p.m. and that he was ok but probably just tired. Shelly became worried when Art still did not respond to her. She wanted to go check on him but it was dark (Shelly cannot see well at night and lives over an hour away) so she called Ashley to see if she would check on Art. Ashley was very unconcerned and said that her family was going to bed and not to worry. She convinced Shelly that Art was fine and he just needed to rest. Shelly called the next day as well and still got no response.

Art's ex-wife, Valarie, who also knew he was having his appeal hearing that morning, was concerned she had not heard back from him yet either and called their daughter, Madison, to see if she had heard anything yet. Madison reached out to Ashley who told her the story about showing up and Art blurting out he was closing the office.

Ashley told Madison she was completely blind-sided by it, and that she had spent much of the prior day, April 28, crying and having an emotional goodbye with Art. In later phone calls with Madison, Ashley went on to explain that on the day of the 28th, Art broke the news that she would need to find a new job, which was both shocking and devastating to her. Ashley provided details of the day, saying she and Art went on a walk around the neighborhood to discuss the future, had casual conversations about the news, politics, and other typical topics. According to Ashley, Art seemed perfectly healthy, and was adamant about shutting down the office and

making that day their “final goodbye”. It is fully expected that the evidence will show that on April 28th, Ashley had already obtained employment with a law firm in Austin.

The texts attached, as part of **Exhibit R**, show Ashley was with Art the day before having an emotional day and that she had cried a lot that day. She claimed she went in that morning, April 29th, and Art was asleep on the couch, snoring loudly and did not want to wake up when she tried to wake him. She got him coffee, but she says that he said he just wanted to sleep. She finally just left when he did not want to get up.

When Madison stated that she thought the hearing was that morning, Ashley said it was, but she just said he was sick. Madison was confused by all of Ashley’s responses and concerned because this was the hearing for her dad to get his license and his life back. Ashley claimed Art was “just so checked out” and that he could have the office sold by June.

Madison called her mother, Valarie, and told her what Ashley had said and it did not make sense to her at all either. Valarie texted Ashley to see Art was ok or needed medical attention. Ashley said he had been depressed a long time but it was not “Shoal Creek” level, referencing a very personal event when Art and Valarie were going through their divorce that actually had been exacerbated by Ashley quite a bit over ten years prior.

Valarie was not satisfied that Ashley was being forthcoming and continued to ask questions about Art’s well-being, because Ashley continued to describe a very sick person who could not be woken up for an important hearing. Ashley left him there on a sofa in a building alone and did not notify any of his family, who she knows how to contact very well. See **Exhibit R** text messages between Valarie and Ashley.

Madison was closest to the office so, to be on the safe side, she went to check on her father. When she arrived she had to text Ashley for the key code to enter the office because the locks all have broken keys in them and Art would not answer the door after her repeated loud knocking on all of the doors and windows near his office.

Madison found her dad, in his office, snoring very loudly and in an odd manner that was unlike anything Madison had seen from her father. When Madison approached the couch, she saw that Art’s face was bloated, and vomit was coming out of his mouth and onto his shirt. Madison called 911. After shaking him violently, Art groaned but would not wake up, and Madison moved him to the ground on his side and followed 911 instructions.

Art was in a coma for several days. His body was shut down and it was suspected that he had been poisoned by something. It took several days in the ICU for doctors to determine what was shutting Art's organs down. The only person who had any immediate knowledge of his physical state was Ashley, who had seen Art at 8a.m. on April 29th. Art's doctors were perplexed at the events leading up to his current condition and even more confused because Ashley stated she had seen him that day and he spoke to her and said he wasn't up to doing the hearing. Additionally, Art's temperature was 95 degrees upon arrival at the emergency room and did not go up to a safe level until late that night after hours of being wrapped in blankets. Ashley continued to paint a picture of Art being extremely depressed in the weeks leading up to his poisoning, which ultimately affected the method in which he was treated at the hospital early on and it impacted the police investigating the matter.

After two days of examination, the doctors in the ICU determined the most likely source of Art's poisoning to be antifreeze that was ingested in a large amount. Doctors at Christus Santa Rosa treated the antifreeze poison with an antidote and dialysis and slowly Art began to get better. When he was able to speak and to Facetime people, the one person he refused to speak to was Ashley, but he could not say why. Art did call Ashley early in the morning on May 5th to ask her to help Valarie with office matters, and she responded that she would. What struck Art was that Ashley called him "Mr. Guzman." She had never done this before. **When Val did reach out to Ashley to ask for help, Ashley responded by claiming to not know anything about anything going on at the office.** Art knew then that Ashley was hiding something and she was most likely responsible for his poisoning. **Exhibit R**

News of Criminal Charges against Art Guzman: In the parking lot of the hospital on the day that Art was found unconscious, while waiting to find out if Art would make it, a police officer announced to his daughter and family that Art had two warrants out for his arrest for theft from a client. This was news to everyone and even Ashley who claimed not to know anything about it. She offered to call an attorney who rents space at the office, Case Darwin, and ask him to investigate it.

It was clear Art was not being told everything and he needed professional help. His family contacted an attorney, Tonya Rolland, who researched everything with the State Bar and the local District Attorney. While Art was in the hospital, his attorney discovered his responses were never filed and that the court hearing he missed on the morning of the 29th was a civil

hearing on the Balderas matter and not a Motion for New Trial hearing with the State Bar at all. A Motion for New Trial had never been filed. This period between the news learned in the parking lot and Art becoming conscious and able to speak for himself was 5 days. On that 5th day is when he asked Ashley to help Valarie get what she needed for him at the office.

On May 5th, Madison Guzman went to her dad's office to get his trial notebook and get the information to his attorney. She discovered it was missing along with a lot of other files. Valarie, who was still a signatory on the office accounts, went to Frost Bank and froze the accounts and requested the past two years statements to see what had happened with the Balderas monies and check on things.

Along with trial notebooks that were missing there were missing files, checkbooks, receipt books, emails and electronic data that had been deleted on all four office computers. Valarie's current husband, Scott Hopkins, who has experience with computer software and data recovery was able to determine that client files, contacts and electronic billing records had been deleted from all office computers over a period of months. This would require intentional access and removal of client data from multiple programs.

Credit Card Theft: After looking at the Frost Bank statements since Mr. Balderas Zubieta's claim, it became very clear why Ashley was not being forthcoming with information. Ashley had been diverting client and business funds to use for her own personal gain. Refer to **Exhibit P** for a summary of the IOLTA spending and income over the past 2 years.

Character Assassination: Since April 29th, multiple concerned colleagues of Art's have come forward to check on him and have told his wife, children and/or his ex-wife that Ashley had been gossiping and saying very negative things about him for some time. They believed that Art and Ashley were very close and did not want to tell him what she had been saying and cause a riff. Two individuals who rent space from Art in his building have information that is relevant to this request and have provided their statements in the Affidavit Form attached as **Exhibit I**.

The fact that Ashley continued to try to convince everyone of a narrative only she was telling and that suddenly all the files, trial notebooks, receipts and checkbooks were missing from the office made the family decide to change the locks on the office building. The locks to Art's office, which is a separate part of the building with Ashley's office attached to it, were changed so that no one could get in. The main lobby area could not be locked completely on May 6th because the tenants still needed their own keys. The next day on May 7th it was discovered that

someone had accessed the secretary's desk and the server that was in a cabinet in the conference room and deleted thousands of files.

It was a challenge to lock Ashley out of Art's programs. At the time, Art was still in the hospital, and unable to remember most of his passwords and had always used saved passwords on his office computer. Ashley had access to his personal and work email accounts, which all accounts were linked to, and Art's family was unable to open his phone to receive recovery texts. Ashley also had most work-related accounts, including the Adobe PDFfiler and Creative Cloud, Dropbox, Accurint and others set up with her own personal email and phone number as the recovery contacts. She had also forwarded the office phones and changed the passcode to check the messages. Because of this, Ashley was still able to access all of Mr. Guzman's files, work communications, and personal communications. Ashley was finally locked out of the accounts and the office on May 8th. **Exhibit S** has screenshots of the DropBox account she continued to access from home, in Buda, and of the files that were deleted from the secretary's computer at the front desk when Ashley came into the office the night of May 6, 2020.

Art's Recovery: After two weeks in the hospital Art was able to go home, and gradually his body is recovering from being poisoned by what we now know were opiates and antifreeze. On May 5th, the day that Mr. Guzman's family discovered many items were missing from the office, the family stopped hearing from Ashley or her husband. This was a stark change to the daily requests for updates and attempts to get into the hospital to see "Mr. Guzman." Art has not received any calls from Ashley or her husband, Paul, from that point forward. Ashley continued to tell a recently hired employee of Art's, named Emilia Partida, that she was speaking with Art regularly, and claimed she knew nothing of the disbarment and wasn't getting involved in the office "drama."

On May 29th, 2020 someone with access to Art's son's name and social security number opened a checking account online at Frost Bank. On the 1st of June, 2020 this individual made a deposit through an ATM for \$25.00. They also opened a CashApp account and completed a setup transaction before attempting to deposit nearly 20K in fraudulent payroll checks. Frost Bank flagged the checks and they were not deposited. Frost Bank sent copies of the checks and

the deposit slip to Logan Guzman at his home. One of the first things that was noticed was the handwriting on the deposit slip looks remarkably like Ashley's handwriting. Copies of the fraudulent account, checks refused for deposit and the deposit slip are provided in **Exhibit T**. Checks written by Ashley while employed are attached for comparison.

V.

CAUSES OF ACTION

ASSAULT AND BATTERY

Defendants intentionally, knowingly, or recklessly made contact with Plaintiff's person or threatened Plaintiff with imminent bodily injury which caused injury to Plaintiff. Plaintiff suffered damages for which Plaintiff herein sues.

INVASION OF PRIVACY

Defendants, one or more, intentionally invaded Plaintiff's privacy by intruding on his solitude, seclusion, or private affairs. This invasion was highly offensive to Plaintiff and would be highly offensive to a reasonable person. Plaintiff was injured because of the conduct of Defendants, one or more. Plaintiff suffered damages for which Plaintiff herein sues.

Defendants, one or more, publicized facts regarding Plaintiff's private life which were not of legitimate public concern. The publicity was highly offensive to Plaintiff and would be highly offensive to a reasonable person. Plaintiff was injured as a result of the conduct of Defendant. Plaintiff suffered damages for which Plaintiff herein sues.

LIBEL

Defendants, one or more, published a false statement of fact referring to Plaintiff which was per se libel. Plaintiff suffered damages for which Plaintiff herein sues.

SLANDER

Defendants, one or more, orally made a false statement of fact referring to Plaintiff which was per se slander. Plaintiff suffered damages for which Plaintiff herein sues.

COMMON LAW FRAUD/CONVERSION

Plaintiff further shows that Defendants, one or more, made material false representations to Plaintiff with the knowledge of their falsity or with reckless disregard of the truth with the intention that such representations be acted upon by Plaintiff, and that Plaintiff relied on these representations to his detriment. Further, Defendants converted funds that belonged to Plaintiff without any legal authority. As a proximate result of such fraud, Plaintiff sustained the damages described more fully hereinbelow.

BREACH OF CONTRACT

Plaintiff would further show that the actions and/or omissions of Defendants, one or more, described hereinabove constitute breach of contract, which proximately caused the direct and consequential damages of Plaintiff described hereinbelow, and for which Plaintiff hereby sues.

ECONOMIC / ACTUAL DAMAGES

47. Plaintiff sustained the following economic / actual damages as a result of the actions and/or omissions of Defendants described hereinabove:

- (a) Out-of-pocket expenses.
- (b) Lost profits.
- (c) Loss of credit and damage to reputation.
- (d) Loss of credit and damage to credit reputation.
- (e) Reasonable medical care and expenses in the past.
- (f) Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future.
- (g) Cost of defending criminal suit; and
- (h) Injury to business interest.

DAMAGES FOR MENTAL ANGUISH

As a result of such acts, practices and/or omissions, Plaintiff sustained a high degree of mental pain and distress of such nature, duration and severity that would permit the recovery of damages for mental anguish, and for which Plaintiff hereby sues in an amount in excess of the minimum jurisdictional limits of this Court.

EXEMPLARY DAMAGES

Plaintiff would further show that the acts and omissions of Defendants complained of herein were committed knowingly, willfully, intentionally, with actual awareness, and with the specific and predetermined intention of enriching said Defendant at the expense of Plaintiff. In order to punish said Defendants for such unconscionable overreaching and to deter such actions and/or omissions in the future, Plaintiff also seeks recovery from Defendants for exemplary damages.

VI.

ATTORNEY'S FEES

Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Arturo Guzman, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for the economic and actual damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and postjudgment interest at the

maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiff may be entitled at law or in equity, whether pled or unpled.

Respectfully submitted,

Mark E. Cusack
430 Savage Lane
Wimberley, Texas 78676
(512) 392-7700
info@cusacklaw.com

/s/ Mark E. Cusack
Mark E. Cusack
Attorney for Plaintiff

Certificate of Service

I certify that a true copy of Designation of Attorney in Charge was served in accordance with the Texas Rules of Civil Procedure on the following on September 9, 2020.

carlos@ssmlawyers.com

/s/ Mark E. Cusack
Mark E. Cusack
Attorney for Plaintiff

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Matthew Murrell on behalf of Carlos Ramon Soltero
Bar No. 791702
matthew@ssmlawyers.com
Envelope ID: 49481462
Status as of 1/7/2021 10:56 AM CST

Associated Case Party: Ashley Szymonek

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Murrell		matthew@ssmlawyers.com	1/7/2021 10:50:56 AM	SENT
Carlos Soltero		carlos@ssmlawyers.com	1/7/2021 10:50:56 AM	SENT
Greg Sapire		greg@ssmlawyers.com	1/7/2021 10:50:56 AM	SENT

Associated Case Party: Paul Szymonek

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Murrell		matthew@ssmlawyers.com	1/7/2021 10:50:56 AM	SENT
Gregory P.Sapire		greg@ssmlawyers.com	1/7/2021 10:50:56 AM	SENT
Carlos Soltero		carlos@ssmlawyers.com	1/7/2021 10:50:56 AM	SENT

Associated Case Party: Arturo Guzman

Name	BarNumber	Email	TimestampSubmitted	Status
Mark E. Cusack	5294315	info@cusacklaw.com	1/7/2021 10:50:56 AM	SENT
Mark Cusack		mark@cusacklaw.com	1/7/2021 10:50:56 AM	SENT

Associated Case Party: Law Office of Art Guzman

Name	BarNumber	Email	TimestampSubmitted	Status
Mark E. Cusack	5294315	info@cusacklaw.com	1/7/2021 10:50:56 AM	SENT